

23 SEP 2004



UNITED STATES PATENT and TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. Box 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

SMITH, GAMBRELL & RUSSELL, LLP
The Beveridge, DeGrandi, Weilacher & Young
Intellectual Property Group
1850 M Street, NW- Suite 800
Washington, DC 20036

In re Application of	:	RECONSTRUCTION OF
PLEE, Dominique	:	
Application No.: 09/623,801	:	
PCT No.: PCT/FR99/00497	:	
Int. Filing Date: 4 March 1999	:	APPLICATION UNDER
Priority Date: 9 March 1998	:	
Attorney Docket No.: 33808F111	:	
For: DECARBONATING GAS STREAMS USING	:	
ZEOLITE ADSORBENTS	:	UNDER 37 CFR 1.251

This decision is in response to applicant's "LETTER ACCOMPANYING COPY OF APPLICANT'S FILE TO REPLACE U.S. PATENT OFFICE FILE" filed with the United States Patent and Trademark Office on 13 August 2002 forwarding copies of application papers for the purpose of reconstructing the above captioned application. No petition fee is due.

BACKGROUND

On 4 March 1999, applicant filed international application PCT/FR99/00497 claiming a priority date of 09 March 1998. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 16 September 1999. A Demand for international preliminary examination, in which the United States was elected, was filed on 09 September 1999, prior to nineteen months from the filing date of the international application. Accordingly, the thirty-month period for paying the basic national fee in the United States expired at midnight on 09 September 2000.

On 08 September 2000, applicant entered the US national phase.

On 11 December 2000, a Notification of Acceptance under 35 U.S.C. 371 (FORM PCT/DO/EO/903) was mailed. Thereafter, the application file could not be located.

On 13 August 2002, applicant submitted the instant communication enclosing copies of correspondence that applicant claims to have earlier submitted to the Office along with postcard receipts, to facilitate reconstruction of the file.

17 Nov 02

RECONSTRUCTION UNDER 1.251

Applicant has enclosed a copy of "September 8, 2000 filing of application under 35 U.S.C. §371, including each paper listed on PTO date-stamped postcard filing receipt" and a date stamped postcard receipt listing the reconstruction response, and a summary of all correspondence, copies of the correspondence. The postcard receipt lists the inventor, title and serial number and is date stamped 08 September 2000. Applicant indicates the set of papers is a copy of the 08 September 2000 submission and the statement is signed by someone registered to practice before the Office.

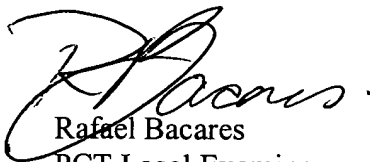
Under 37 CFR 1.251, when applicant is informed that the file cannot be located, applicant can proceed under one of three subsections. Applicant is proceeding under 37 CFR 1.251(a)(1). It requires that applicant furnish a copy of all correspondence, a list of such correspondence, a statement that the copy is a complete and accurate copy of all correspondence between the Office and the applicant for such application, patent or other proceeding, and state whether applicant is aware of any correspondence for such application, patent or other proceeding that is not among applicant's records.

Applicant has furnished a copy of the correspondence, a listing of the correspondence and has furnished the required statements.

DECISION

For the reasons discussed above, the Reconstruction Under 37 CFR 1.251 is **MOOT**.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to resume processing as a U.S. national stage application of the international application no. PCT/FR99/00497, in accordance with this decision. It is noted that a Notification of Acceptance (Form PCT/DO/EO/903) has already been mailed. The application has been accorded a date under 35 U.S.C. §371(c)(1), (c)(2) and (c)(4) of **17 November 2000**.



Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Telephone: (703) 308-6312
Facsimile: (703) 308-6459



Boris Milef
PCT Legal Examiner
PCT Legal Office